

(PRE-FILED)

By: **Delegate Hubbard**
Requested: August 10, 1998
Introduced and read first time: January 13, 1999
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Motor Vehicle Fuel - Sulfur Content**

3 FOR the purpose of prohibiting a person from manufacturing, selling, or offering for
4 sale certain motor vehicle fuels under certain circumstances and after certain
5 dates; establishing certain limits for the sulfur content of certain motor vehicle
6 fuels; making certain requirements subject to certain contingencies; requiring
7 the Department of the Environment to adopt certain regulations; requiring the
8 Department of the Environment to submit certain reports to the General
9 Assembly under certain circumstances and at certain times; and generally
10 relating to the sulfur content in motor vehicle fuels.

11 BY repealing and reenacting, without amendments,
12 Article - Environment
13 Section 2-702(d)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1998 Supplement)

16 BY adding to
17 Article - Environment
18 Section 2-901 through 2-903 to be under the new subtitle "Subtitle 9. Motor
19 Vehicle Fuel Content"
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1998 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Environment**

25 2-702.

26 (d) (1) The Program may not require the sale or use of any type of
27 reformulated gasoline other than the federal reformulated gasoline that is certified by

1 the United States Environmental Protection Agency under 42 U.S.C. § 7545(k) for
2 sale and use in states other than California.

3 (2) The Department may not adopt regulations under this subtitle or any
4 other provision of law that require the sale or use of any type of reformulated gasoline
5 in Maryland other than the federal reformulated gasoline that is certified by the
6 United States Environmental Protection Agency under 42 U.S.C. § 7545(k) for sale
7 and use in states other than California.

8 SUBTITLE 9. MOTOR VEHICLE FUEL CONTENT.

9 2-901.

10 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEGINNING OCTOBER 1,
11 2002, A PERSON MAY NOT MANUFACTURE, SELL, OR OFFER FOR SALE MOTOR
12 VEHICLE GASOLINE THAT CONTAINS A CONCENTRATION OF SULFUR THAT IS
13 GREATER THAN 40 PARTS PER MILLION PER GALLON OF GASOLINE.

14 (B) A PERSON MAY NOT BE DEEMED TO BE IN VIOLATION OF SUBSECTION (A)
15 OF THIS SECTION IF:

16 (1) THE PERSON MANUFACTURES, SELLS, OR OFFERS FOR SALE DURING
17 ANY 1-YEAR PERIOD MOTOR VEHICLE GASOLINE THAT CONTAINS A
18 CONCENTRATION OF SULFUR THAT IS NOT GREATER THAN 80 PARTS PER MILLION
19 PER GALLON OF GASOLINE; AND

20 (2) THE AVERAGE CONCENTRATION OF SULFUR IN THE MOTOR VEHICLE
21 GASOLINE MANUFACTURED, SOLD, OR OFFERED FOR SALE BY THE PERSON DURING
22 THE 1-YEAR PERIOD IS LESS THAN 30 PARTS PER MILLION PER GALLON OF
23 GASOLINE.

24 (C) A PERSON MAY NOT MANUFACTURE, SELL, OR OFFER FOR SALE MOTOR
25 VEHICLE DIESEL FUEL THAT CONTAINS A CONCENTRATION OF SULFUR THAT IS
26 GREATER THAN 50 PARTS PER MILLION AFTER THE SOONER OF:

27 (1) OCTOBER 1, 2005; OR

28 (2) OCTOBER 1 OF THE YEAR THAT THE DEPARTMENT REPORTS TO THE
29 GENERAL ASSEMBLY UNDER § 2-903 OF THIS SUBTITLE THAT THE MOTOR VEHICLE
30 MANUFACTURERS HAVE INTRODUCED A SIGNIFICANT NUMBER OF
31 DIESEL-POWERED SPORTS UTILITY VEHICLES, MINIVANS, AND LIGHT TRUCKS INTO
32 A MARKET THAT WAS PREVIOUSLY DOMINATED BY GASOLINE-POWERED SPORTS
33 UTILITY VEHICLES, MINIVANS, AND LIGHT TRUCKS.

34 (D) THE REQUIREMENTS OF SUBSECTIONS (A) THROUGH (C) OF THIS SECTION
35 SHALL BE CONTINGENT ON THE DEPARTMENT COMPLYING WITH SECTION 211(C)(4)
36 OF THE CLEAN AIR ACT, 42 U.S.C. § 7545(C)(4).

37 (E) NOTWITHSTANDING § 2-207(D) OF THIS TITLE, THE DEPARTMENT SHALL
38 ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

1 2-902.

2 IN CONSULTATION WITH THE UNITED STATES ENVIRONMENTAL PROTECTION
3 AGENCY, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY BY
4 JANUARY 1, 2002, ON THE POTENTIAL BENEFITS TO URBAN AND REGIONAL AIR
5 QUALITY OF ESTABLISHING MAXIMUM AND AVERAGE ALLOWABLE SULFUR
6 CONCENTRATIONS FOR GASOLINE THAT ARE LOWER THAN THE CONCENTRATION
7 LIMITATIONS SPECIFIED IN § 2-901(A) AND (B) OF THIS SUBTITLE.

8 2-903.

9 BEGINNING JANUARY 1, 2000, AND EACH YEAR THEREAFTER, THE
10 DEPARTMENT, IN CONSULTATION WITH THE MOTOR VEHICLE ADMINISTRATION,
11 SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE
12 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE TRANSITION IN THE
13 MOTOR VEHICLE MANUFACTURING INDUSTRY TO USING DIESEL ENGINES IN PLACE
14 OF GASOLINE ENGINES IN SPORTS UTILITY VEHICLES, MINIVANS, AND LIGHT
15 TRUCKS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1999.